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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/781,183

Applicant(s)

NIPKE, MIKE

Examiner

Winnie Yip

Art Unit

3637

WU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

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This is a first office action for application Serial No. 10/781,183 filed February 18, 2004.

#### *Claim Objections*

1. Claims 34-42 are objected to because of the following informalities: the scope of the claimed invention is confusing. It is confusing whether applicant claims a power hub itself or in combination with "a movable outdoor article" and "an input power receptacle".

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In these claims, the phrase "incorporated in a/said movable outdoor article" (claim 34, lines 1 and 6), "input power receptacle" (claims 1 and 42), "vertically displaced" (claim 36), "additional electrical outlet" (claim 37), "an electrical connector" (claims 38-39), and "electrical cord" and "circuit interrupter" (claims 40-41) merely recites the power hub positively related to the "movable outdoor article" and other elements. If applicant attempts to claim a power hub itself, all structural limitations of the power hub should be functionally recited as relative to those elements not part of the power hub such as the "movable outdoor article", "electrical connector", "electrical cord", and "a circuit interrupter".

**Due to the confusion, the claims have been treated as a combination.**

2. Claims 9-10, 13-14, 30-31 are objected to because of the following informalities:

Regard to claims 9-10, the phrase "a movable door attached to said pole" appears to read "a movable door attached to said power hub" since the drawing only shows the door attached to hub but not to the pole.

Regard to claims 13 and 30, "an electrical outlet" is confusing whether it is the same electrical outlet on the hub as previously defined in claims 1 or 19, or it is an additional electrical

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outlet on at least one other pole sections? If the same, it should read "said electrical outlet". If different, it should read "an additional electrical outlet" in order to provide a proper antecedent basis to distinguish the different between them.

Regard to claims 14 and 31, the phrase "at least two of said vertical sections including an electrical outlet" is confusing whether these electrical outlets including the electrical outlet mounted on the hub as previously defined in claim 1 or 19? A proper antecedent basis is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bilotti et al. (US Patent application Publication. No. 2004/0100791).

Bilotti et al. show and disclose a patio pole umbrella being used as an movable outdoor furniture article, the patio pole umbrella comprising an umbrella canopy, a pole (16) for supporting the canopy, the pole being inherently supported to be movable to various locations, a power hub (22) being affixed to the pole above the base and by a distance of at least 3 inches from the ground surface, the power hub (22) being a battery house having an electrical outlet to

receive a plug (90) at one end of electrical wire (26) for supplying electricity to the lightings (12).on the umbrella.

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5. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US Patent No.5,911,493) .

Walker et al. show and disclose a patio pole umbrella being used as an movable outdoor furniture article, the patio pole umbrella comprising: a pole (12) for supporting an umbrella canopy, the pole being inherently supported to be movable in various locations, a power hub (14) affixed to the pole, the power hub (14) including a plurality of electrical outlets (24) for supplying electricity to the electrical lightings (32), wherein the electrical outlet (24) receives electrical power through an internal electrical connection including electrical cords (26) extending through inside of the pole, the electrical cords capably connected to an input power receptacle incorporated with the pole.

6. Claims 1-2, 7-8, 12-13, 19, 24-25, 29-30, 34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheaton (US Patent No. 6,209,147) .

Wheaton shows and discloses an outdoor umbrella being used as an movable outdoor furniture article, the patio pole umbrella comprising: an umbrella canopy (120), a pole (152) supporting the umbrella canopy, the pole having a plurality of vertical sections (152, 122) and being supported by a base (i.e., 50) which is capably rested on a surface and is movably not permanently fixed in a single location, the upper portion of the lower pole section providing a power hub affixed to the upper pole section (152) , the power hub including an electrical outlets

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(144) for supplying electricity to the electrical device (146), the pole including an input power receptacle (29) to receive an electrical cord (140) to apply electrical power such as conventional AC power to the electrical outlet (144).

7. Claims 19-21, 24-25, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Gugel et al. (US Patent No. 5,584,357) .

Gugel et al. teach a movable ladder being used as an movable outdoor furniture article, the ladder comprising more than one sections including base supports (104, 106, 108, 110) to be resting on a surface, an input power receptacle (272) located along the bottom portion of one section of the ladder and vertically upwardly from the surface more than 3 inches for receiving electrical power such as AC power source, and a electrical plate located on the upper portion of the section having two electrical outlet sockets (274) providing electrical outlets located at a different vertical height arranged in the electrical plate for providing electrical power to external devices such as power tools without the need for extending electrical cords along the height of the ladder, whereby a person is allowed to removably plug an extension cord into power receptacle (272) inherently by an electrical connector (not shown) to provide electrical power such as AC power to the power receptacle (272) and to energize the upper electrical outlet (274), and the power receptacle and the electrical outlet sockets are electrically coupled together by sealed conduits (see col. 7 lines 6-14), and the input power receptacle (272) and the electrical outlet (274) are considered to be incorporated in the furniture article.

8. Claims 19-21, 24-25, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Zamarin (EP No. 0851,178).

Zamarin teaches a movable a sunshade device, such as an umbrella, being used as an movable outdoor furniture article, comprising (see Fig. 5) : a canopy (12 or 107), a pole (4 or 106) supporting the canopy, the pole (4 or 106) having a base (1 or 102) resting on a ground surface, an input power receptacle (20 or 105) located on the base and vertically upwardly at least more than 3 inches from the ground surface for receiving electrical power, and an electrical outlet (115) provided on upper portion of the pole for providing electrical power to external devices such as household appliances (see col. 5, lines 50-54), wherein an electrical connector (21) is connected to an electrical cord (22 or 104) to be removably plugged into the input power receptacle (105) for provide electrical power such as AC power to the input power receptacle, whereby the power receptacle and the electrical outlet are electrically coupled by internal connections such as internal electrical wires (108), and the input power receptacle (105) and the electrical outlet (115) are considered to be incorporated in the furniture article.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilotti et al. '791 or Walker et al. '493 as applied to claim 1 above, and further in view of Zamarin et al. (EP 851,178).

The claims are considered to be met by Bilotti et al. or Walker et al. as explained and applied set forth above rejections except either Bilotti et al. or Walker et al. does not define the outdoor article, the umbrella, having an input power receptacle formed on the pole for receiving external electrical power by a removable electrical connector as claimed. Zamarin et al. teaches an outdoor article, an umbrella lamp, comprising a pole (4 or 106) having a base (1 or 102) resting on a ground surface, a electrical connection (see Fig. 2) would have an input power receptacle (20 or 105) located on the base, an electrical cord (22) having one end inherently connected with an electrical connector (no number) to be plugged into a conventional AC power inlet, and another end being connected with an electrical connector (21) to be removably plugged into the input power receptacle (20) for providing electrical power therein, whereby and the power receptacle and the electrical outlet are electrically coupled by internal connections such as internal electrical wires (108). It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article of Bilotti et al. or Walker et al. having the pole formed with at least one input power receptacle and an electrical connector connected with an electrical cord being removably plugged into the input power receptacle to provide an electrical power therein as taught by Zamarin et al. for providing removable electrical power connection to the outdoor article such that the outdoor article can be moved easily as desired.



Regard to claim 7, although Bilotti et al. or Walker et al. does not specifically define the outdoor article, the umbrella, having the pole being supported by a base resting on a surface and the pole having a plurality of sections being connected one to another as claimed. Zamarin et al. further teaches, as old and well known in the art, an outdoor article comprising a pole (4) being supported by a base (1) resting on a ground surface and the input receptacle (20) being positioned vertically upward from the surface. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article of Bilotti et al. or Walker et al. having the pole being supported by a base, as old and well known in the art, as taught by Zamarin et al. for removably supporting and erecting the pole on a vertical position that resting on a desirable position on a surface.

11. Claims 19-21, 25, 29-30, 34, 36, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilotti et al. '791 or Walker et al. '493, in view of Zamarin et al. (EP No. 851,178) for the same reasons set forth above rejections.

12. Claims 19-21, 24-25, 28-34, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolford (US Patent No. 5,776,559) in view of Zamarin et al. (EP No. 851,178).

Woolford shows and discloses an artificial tree capable to be an movable outdoor furniture article, comprising: a pole (22) having a plurality of vertical sections (12) being removably connected together, the pole being supported by a base (5) to be rested on a surface, said each vertical section providing as a power hub, at least one electrical socket (14) disposed

on each vertical section/power hub of the pole to provide an electrical outlet for supplying electricity to the lightings on the article, wherein the electrical outlets are inherently positioned at a different vertical height along the pole and at least the lower one is vertically displaced upwardly from the ground by a height at least more than 3 inches, a wire cord (7) connecting the lower electrical outlet (14) and a electrical connector (10) for providing an electrical power to the electrical outlet (14), the electrical connector (10) being plugged into a conventional wall AC power source (8), and the pole further includes an internal electrical connection including a plug (24) and socket (25) between each two vertical sections being physically connected to provide electrical power to the electrical outlets, and the article is removable in variety positions. Woolford does not specifically define the article including an input power receptacle and the wire cord having an electrical connector removably plugged into the input power receptacle, and a circuit interrupter connected therebetween as claimed. Zamarin et al. teaches an outdoor article, an umbrella lamp, comprising a pole (4 or 106) having a base (1 or 102) resting on a ground surface, a electrical connection (see Fig. 2) would have an input power receptacle (20 or 105) located on the base, an electrical cord (22) having one end inherently connected with an electrical connector (no number) to be plugged into a conventional AC power inlet, and another end being connected with an electrical connector (21) to be removably plugged into the input power receptacle (20) for providing electrical power therein, whereby and the power receptacle and the electrical outlet are electrically coupled by internal connections such as internal electrical wires (108). It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article of Woolford having the pole formed with at least one input power receptacle and an electrical connector connected with an electrical cord

being removably plugged into the input power receptacle to provide an electrical power therein as taught by Zamarin et al. for providing removable electrical power connection to the outdoor article such that the outdoor article can be moved easily as desired. Woolford does not specifically define the article including an input power receptacle and the wire cord having an electrical connector removably plugged into the input power receptacle, and a circuit interrupter connected therebetween as claimed.

13. Claims 11, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '493 as applied to claim 1 above, and further in view of Woolford '559.

The claims are considered to meet by Walker et al. as explained and applied set forth above rejections except that Walker et al. do not define the outdoor article, the umbrella, having a plurality of electrical outlets positioned at a different vertical height along the pole being covered by a movable door attached to the movable outdoor furniture article, and the pole having a plurality of sections being connected by internal electrical connectors therebetween.

Woolford teaches an movable outdoor article, an electrical tree, comprising a pole having a plurality of sections (12) being connected one to another in a vertical arrangement, each section having at least one electrical outlet (14) for providing electricity to an electrical device such as lighting (4), and each two adjacent sections having electrical connectors including a female electrical socket (25) and a male electrical plug (24) being physically connected each another respectively for providing electrical power to the electrical outlet along the sections. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the umbrella of Walker et al. having the pole formed by a plurality of sections having electrical

outlets and being connected one to another by electrical connectors as taught by Woolford for providing electrical connections connecting the pole sections to apply electrical power to the electrical outlets respectively.

14. Claims 9, 26, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheaton'147 as applied to claims 1-2, 19, and 34 above, and further in view of Gladsden et al. (US Patent No. 3,215,831).

The claims are considered to be met by Wheaton as explained and applied set forth above rejections except Wheaton does not define the electrical outlet being covered by a movable door attached to the movable outdoor furniture article. Gladsden et al. teach an outdoor article, a outdoor lamp, comprising a power hub (22) mounted on a pole (14), the power hub having at least one socket (24) providing an electrical outlet for providing power to an external device, and the hub having a movable door pivotally attached to the hub for providing weathertight covering to the electrical socket. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article, an outdoor umbrella, having movable doors pivotally attached to the article adjacent the electrical outlet as taught by Gladsden et al. for covering and providing environmental protection and safety protection to the electrical outlet.

15. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gugel et al. '357 or Zamarin et al. (EP Patent No. 851,178) as applied to claim 19 above, and further in view of Kildow (US Patent No. 6,070,808).

The claims are considered to meet by Zamarin et al. or Gugel et al. as explained and applied set forth above rejections except either Zamarin et al. or Gugel et al. does not define the electrical connector is connected to the electrical cord including a circuit interrupter which expressly to be a ground fault circuit interrupter as claimed. Kildow teach an outdoor article, an outdoor mobile cleaning apparatus (10), comprising an input power receptacle (76) having an electrical connector being connected to the input power receptacle, the connector is connected to an electrical cord (18) and including a ground fault circuit interrupter (20) as claimed for enhancing operator safety. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article, a sunshade, of Zamarin et al. or Gugel et al. or Woolford having an electrical connector for being introduced into the input power receptacle to provide electrical power therein, wherein the electrical connector which is connected with electrical cord and a ground fault circuit interrupter as taught by Kildow for providing outdoor electrical operator safety.

16. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gugel et al. '357 or Zamarin et al. (EP Patent No. 851,178) as applied to claim 19 above, and further in view of Gladsden et al. (US Patent No. 3,215,831).

The claims are considered to be met by Zamarin et al. or Gugel et al. as explained and applied set forth above rejections except either Zamarin et al. or Gugel et al. does not define the electrical outlet or the input power receptacle being covered by a movable door attached to the movable outdoor furniture article. Gladsden et al. teach an outdoor article, a outdoor lamp, comprising a power hub (22) mounted on a pole (14), the power hub having at least one socket

(24) providing an electrical outlet for providing power to an external device, and the hub having a movable door pivotally attached to the hub for providing weathertight covering to the electrical socket. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article, a sunshade, of Zamarin et al. or Gugel et al. having movable doors pivotally attached to the article adjacent the electrical outlet or the input power receptacle as taught by Gladsden et al. for covering and providing environmental protection and safety protection to the electrical outlet or input power receptacle.

17. Claims 10, 27, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilotti et al. '791 or Walker et al. '493, or Woolford in view of Zamarin et al. (EP Patent No. 851,178) as applied to claims 1-2, 19, or 34 above, and further in view of Gladsden et al. '831 for the same reasons set forth above rejection.

18. Claims 5-6, 22-23, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilotti et al. '791 or Walker et al. '493, or Woolford in view of Zamarin et al. (EP Patent No. 851,178) as applied to claim 1-3, 19-20, 34 and 38 above, and further in view of Kildow (US Patent No.6,070,808) for the same reasons set for above rejection.

#### *Citations*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuelbs '713 teaches an umbrella having a power hub having an electrical device, an electrical switch as similar to the claimed invention. Vest '535 teaches a hub having a door for covering electrical lamp therein. Devicaris '857 teaches a movable outdoor furniture article

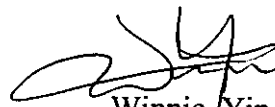
having a plurality of electrical outlets and electrical connectors for providing electrical power to  
the electrical outlets as similar to the claimed invention.

*Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
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Art Unit 3637

wsy  
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